

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 4-6, 11-16 and 18-22 are pending in the application. Claims 1-3, 7-10 and 17 have been cancelled without prejudice or disclaimer. Claims 4, 11, 13 and 18 have been rewritten in independent form including all limitations of respective base claims and any intervening claims. No new matter has been introduced through the foregoing amendments.

Applicants respectfully submit that the foregoing amendments do not change the scopes of any pending claims and are presented solely for the purpose of placing the application either in condition for allowance or in better form for appeal. Entry of this Amendment under Rule 116 is therefore merited as it raises no new issues and requires no further search.

The new art rejections are noted. Applicants respectfully traverse the rejections of at least claims 4-6, 11-16 and 18-22 which are all rejected as being anticipated by the newly applied reference of *Okuda* (JP 2001 157690).

As to **claim 4**, *Okuda* does not teach or disclose that "said base sheet comprises a first sheet and a second sheet, said first sheet being sandwiched between said panel and said second sheet; and said first and second elastic members as well as said leg-surrounding elastic members are interposed between said first sheet and said second sheet."

The claim feature finds support in at least Figs. 4 and 6 which disclose that base sheet 2 comprises a first sheet 14 and a second sheet 15, said first sheet 14 being sandwiched between said panel 3 and said second sheet 15; and said first and second elastic members 18, 19 as well as said leg-surrounding elastic members 23 are interposed between said first sheet 14 and said second sheet 15, as shown best in Fig. 6.

According to the Examiner, *Okuda* discloses a first sheet at 3, a second sheet at 5,¹ and “leg surrounding elastics” at 61.² The reference so interpreted clearly fails to teach or disclose that “leg surrounding elastics” 61 are interposed between first sheet 3 and second sheet 5. In particular, *Okuda* discloses, at paragraph 0007,³ that “leg surrounding elastics” 61, which are actually barrier flap elastics, are provided at free edges 63 of barrier flap 6 which is formed by web material 62. As can be seen in Fig. 3 of *Okuda*, an elastic member formed at a free edge of web material 62 cannot be disposed between first sheet 3 and second sheet 5 in the presently claimed manner.

Therefore, Applicants respectfully submit that claim 4 and claims 5-6 and 22 depending therefrom are not anticipated by *Okuda* as applied by the Examiner.

As to **claim 6**, *Okuda* does not teach or disclose “a plurality of welding spots at which the sheets sandwiching said second elastic members are bonded together; wherein said welding spots are formed in vicinities of transversely opposite side edges of said panel, lie between each pair of adjacent free middle portions of said second elastic members, and are spaced apart one from another by a predetermined distance in said longitudinal direction.”

The claim feature finds support in at least Fig. 7 which discloses a plurality of welding spots 35 at which the sheets sandwiching said second elastic members are bonded together; wherein said welding spots 35 are formed in vicinities of transversely opposite side edges of said panel 3, lie between each pair of adjacent free middle portions of said second elastic members 19, and are spaced apart one from another by a predetermined distance in said longitudinal direction. An advantage of the disclosed embodiment embodying the claimed invention has been disclosed in the specification at, e.g., page 32, the first full paragraph.

¹ See, for example, Final Office Action at page 4 the third paragraph.

² See, for example, Final Office Action at page 3, line 9.

³ See, for example, the computer-generated translation of *Okuda*.

The cited portion of *Okuda*, i.e., paragraphs 0014 and 0015,⁴ discloses at best how the elastics 21, 22 should be attached to the diaper body to define inelastic regions 12B, 12A. The cited portion neither teaches how the layers, e.g., 3 and 5, defining the diaper body are attached to one another, nor discloses any relationship between the middle portions of elastics 21 and any bonding/attaching points of layers 3 and 5.

Therefore, Applicants respectfully submit that claim 6 is not anticipated by *Okuda* as applied by the Examiner.

Claim 11 includes limitations similar to those of claim 4, i.e., "said base sheet comprises first and second sheets, said first sheet is disposed between said liquid-absorbent panel and said second sheet, and said second and third elastic members are disposed between said first and second sheets." Thus, claim 11 and claim 12 depending therefrom are not anticipated by *Okuda* for at least the reason presented with respect to claim 4.

Claim 12 includes limitations similar to those of claim 6, i.e., "said base sheet further comprising bonding spots joining said third and second sheets in regions located between the middle portions of adjacent said second elastic members, said bonding spots limiting displacement of the middle portions of said second elastic members in the longitudinal direction of said article without affecting contraction of said middle portions in a transverse direction of said article." Thus, claim 12 is not anticipated by *Okuda* for the further reason presented with respect to claim 6.

Claim 13 includes limitations similar to those of claim 12, i.e., "said base sheet further comprising bonding spots joining said first and second sheets in regions located between the middle portions of adjacent said second elastic members, said bonding spots limiting displacement of the middle portions of said second elastic members in the longitudinal direction of said article without affecting contraction of said middle portions in a transverse direction of said article." Thus, claim

⁴ See, for example, the computer-generated translation of *Okuda*.

13 and claims 14-16 depending therefrom are not anticipated by *Okuda* for at least the reason presented with respect to claim 12.

As to **claim 14**, Applicants respectfully disagree with the Examiner that paragraphs 0014-0015 of *Okuda* discloses the claim feature that “some of said bonding spots are arranged along said transversely opposite side edges of said panel and between entire said panel on the one hand and the end portions of said second elastic members on the other hand.” As discussed above, the cited passages only disclose how elastics 21, 22 should be bonded to the diaper body, and are silent on any attaching points of the layers, e.g., 3 and 5, defining the diaper body or any relationship between the middle portions of elastics 21 and such bonding/attaching points of layers 3 and 5.

As to **claim 15**, Applicants respectfully disagree with the Examiner that paragraphs 0014-0015 of *Okuda* discloses the claim feature that “said base sheet, in an entire region underlying said panel, is free of said bonding spots,” for at least the reason advanced above with respect to claim 14.

As to **claim 16**, Applicants respectfully disagree with the Examiner that paragraphs 0014-0015 of *Okuda* discloses the claim feature that “said bonding spots are presented between every pair of adjacent said second elastic members so as to prevent said adjacent second elastic members from forming a bundle with each other,” for at least the reason advanced above with respect to claim 14.

Claim 18 includes limitations similar to those of claim 4, i.e., “said base sheet comprises first and second sheets, and said second and third elastic members are disposed between said first and second sheets.” Thus, claim 18 and claims 19-21 depending therefrom are not anticipated by *Okuda* for at least the reason presented with respect to claim 4.

Still with respect to claim 18, *Okuda* does not teach or disclose “said base sheet further comprising a plurality of adhesive zones bonding said first and second sheets and end portions of

said third elastic members together; each of said adhesive zones being disposed, in the longitudinal direction, between the middle portions of one pair of adjacent said second elastic members, and, in a transverse direction of said article, between entire said panel on the one hand and one of the end portions of each of said second elastic members in said pair on the other hand.”

The claim feature finds support in at least Fig. 3 which discloses said base sheet 2 further comprising a plurality of adhesive zones 33 bonding said first and second sheets 14, 15 and end portions of said third elastic members 23 together; each of said adhesive zones 33 being disposed, in the longitudinal direction, between the middle portions of one pair of adjacent said second elastic members 19, and, in a transverse direction of said article, between entire said panel 3 on the one hand and one of the end portions 32 of each of said second elastic members 19 in said pair on the other hand.

Assuming *arguendo* that the *Okuda* reference indeed included adhesive zones bonding end portions of third elastic members 61 with first and second sheets 3, 5, such adhesive zones, as can be seen in Fig. 1 of *Okuda*, must be positioned near the end portions of third elastic members 61 and cannot be disposed in the longitudinal direction between middle portions of second elastic members 21 in the presently claimed manner. Thus, claim 18 and claims 19-21 depending therefrom are not anticipated by *Okuda* also on their own merits.

As to **claim 19**, Applicants respectfully disagree with the Examiner that paragraphs 0015 and 0022 of *Okuda* discloses the claim feature that “each of said adhesive zones is spaced in the longitudinal direction of said article from the middle portions of the adjacent second elastic members between which said adhesive zone is disposed” for at least the reason advanced above with respect to claim 14.

As to **claim 20**, Applicants respectfully disagree with the Examiner that paragraphs 0015 and 0022 of *Okuda* discloses the claim feature that “each of said adhesive zones is elongated in the

transverse direction of said article, and spaced in said transverse direction from the end portions of the adjacent second elastic members between which said adhesive zone is disposed," for at least the reason advanced above with respect to claim 14.

As to **claim 21**, Applicants respectfully disagree with the Examiner that paragraphs 0015 and 0022 of *Okuda* discloses the claim feature of "a plurality of further adhesive zones different from the adhesive zones that bond said first and second sheets and the end portions of said third elastic members together, said further adhesive zones bonding the end portions of the second elastic members to the base sheet; wherein each of said adhesive zones is spaced in said transverse direction from the further adhesive zones at the end portions of the adjacent second elastic members between which said adhesive zone is disposed," for at least the reason advanced above with respect to claim 14. The claim feature finds support in at least Fig. 3 which discloses a plurality of further adhesive zones 32 different from the adhesive zones 33 that bond said first and second sheets 14, 15 and the end portions of said third elastic members 23 together, said further adhesive zones 32 bonding the end portions of the second elastic members 19 to the base sheet 2; wherein each of said adhesive zones 33 is spaced in said transverse direction from the further adhesive zones 32 at the end portions of the adjacent second elastic members 19 between which said adhesive zone 33 is disposed."

Accordingly, all pending claims in the present application are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

Serial No. 10/764,589

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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